

Quarantine Amendment Act 1979

No. 1 of 1979

An Act to amend the *Quarantine Act* 1908.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:

1. (1) This Act may be cited as the *Quarantine Amendment Act* 1979.¹ Short title,
&c.

(2) The *Quarantine Act* 1908² is in this Act referred to as the Principal Act.

2. This Act shall come into operation on the day on which it receives the Royal Assent.¹ Commence-
ment

3. Section 48 of the Principal Act is amended by omitting from sub-section (2) “Twenty dollars” and substituting “\$200”. Goods
ordered into
quarantine

4. Section 85 of the Principal Act is amended by omitting sub-section (3) and substituting the following sub-sections: Proceedings
in respect of
offences

“(3) Where proceedings for an offence referred to in sub-section (2) are brought in a court of summary jurisdiction, the court may commit the defendant for trial or to be otherwise dealt with in accordance with law or, if the court is satisfied that it is proper to do so and the defendant and the prosecutor consent to it doing so, may determine the proceedings summarily.

“(4) Where a court of summary jurisdiction determines proceedings summarily in accordance with sub-section (3), it shall not impose a fine exceeding \$2,000 or sentence the defendant to imprisonment for a period exceeding one year.”.

5. The Principal Act is amended as set out in Schedule 1. Penalties

6. The Principal Act is amended as set out in Schedule 2. Further
amendments

7. (1) The amendments made by this Act, other than the amendments of sections 82 and 83 of the Principal Act, do not apply in relation to offences committed before the commencement of this Act. Application

(2) In the application of section 82 of the Principal Act as amended by this Act to offences committed before the commencement of this Act, the reference in that section as so amended to 5 years shall be read as a reference to 3 years.

SCHEDULE 1

Section 5

AMENDMENTS OF PRINCIPAL ACT IN RELATION TO PENALTIES

Provision	Amendment
Sub-section 12A (2)	(a) Omit "One thousand dollars", substitute "\$10,000" (b) Omit "one year", substitute "5 years"
Section 15	Omit "Five hundred dollars", substitute "\$2,000"
Sub-section 15A(2)	(a) Omit "One thousand dollars", substitute "\$10,000" (b) Omit "one year", substitute "5 years"
Section 16	Omit "Five hundred dollars", substitute "\$5,000 or imprisonment for 2 years"
Section 18A	Omit "Five hundred dollars", substitute "\$500"
Section 20	(a) Omit "One thousand dollars", substitute "\$5,000" (b) Omit "one year", substitute "2 years"
Section 20A	(a) Omit "One thousand dollars", substitute "\$5,000" (b) Omit "one year", substitute "2 years"
Section 20B	(a) Omit "Two thousand dollars" (wherever occurring), substitute "\$10,000" (b) Omit "two years" (wherever occurring), substitute "5 years"
Section 21	Omit "One thousand dollars", substitute "\$2,000"
Section 22	(a) Omit "One thousand dollars" (wherever occurring), substitute "\$5,000" (b) Omit "one year" (wherever occurring), substitute "2 years"
Section 24	Omit "Five hundred dollars", substitute "\$2,000"
Section 25	Omit "One thousand dollars", substitute "\$5,000 or imprisonment for 2 years"
Sub-section 26 (1)	Omit "One thousand dollars", substitute "\$5,000 or imprisonment for 2 years"
Section 26A	Omit "One thousand dollars", substitute "\$5,000 or imprisonment for 2 years"
Section 27	Omit "One thousand dollars", substitute "\$5,000 or imprisonment for 2 years"
Sub-section 28 (1)	Omit "One thousand dollars", substitute "\$5,000 or imprisonment for 2 years"
Sub-section 28 (4)	(a) Omit "Two thousand dollars", substitute "\$5,000" (b) Omit "two years", substitute "2 years"
Sub-section 29 (1)	Omit "One thousand dollars", substitute "\$5,000 or imprisonment for 2 years"
Section 30	Omit "Five hundred dollars", substitute "\$2,000"
Section 32	(a) Omit "One thousand dollars", substitute "\$5,000" (b) Omit "one year", substitute "2 years"
Sub-section 34 (3)	Omit "One thousand dollars", substitute "\$2,000"
Section 35A	Omit "One thousand dollars" (wherever occurring), substitute "\$2,000"
Sub-section 35A (5)	(a) Omit "Two thousand dollars", substitute "\$5,000" (b) Omit "two years", substitute "2 years"
Section 36	(a) Omit "Two thousand dollars" (wherever occurring), substitute "\$10,000" (b) Omit "two years" (wherever occurring), substitute "5 years"
Section 38	Omit "One thousand dollars", substitute "\$2,000"
Section 40	(a) Omit "Two thousand dollars", substitute "\$10,000" (b) Omit "two years", substitute "5 years"
Section 43	(a) Omit "Two thousand dollars", substitute "\$10,000" (b) Omit "two years", substitute "5 years"

SCHEDULE 1—continued

Provision	Amendment
Section 44	(a) Omit "One thousand dollars" (wherever occurring), substitute "\$10,000"
	(b) Omit "one year" (wherever occurring), substitute "5 years"
Sub-section 45 (2)	Omit "One thousand dollars or imprisonment for one year", substitute "\$2,000"
Sub-section 45 (3A)	Omit "Five hundred dollars", substitute "\$2,000"
Sub-section 45 (4)	Omit "Five hundred dollars or imprisonment for six months", substitute "\$2,000"
Section 49	Omit "One thousand dollars", substitute "\$2,000"
Section 50	(a) Omit "Five hundred dollars", substitute "\$5,000"
	(b) Omit "six months", substitute "2 years"
Section 51	(a) Omit "Five hundred dollars", substitute "\$2,000"
	(b) Omit "six months", substitute "one year"
Section 52	(a) Omit "Five hundred dollars", substitute "\$5,000"
	(b) Omit "six months", substitute "2 years"
Sub-section 67 (1)	(a) Omit "Two thousand dollars", substitute "\$10,000"
	(b) Omit "five years", substitute "5 years"
Sub-section 67 (1A)	(a) Omit "One thousand dollars", substitute "\$5,000"
	(b) Omit "one year", substitute "2 years"
Section 67A	(a) Omit "One thousand dollars", substitute "\$5,000"
	(b) Omit "one year", substitute "2 years"
Sub-section 70 (2)	Omit "Five hundred dollars", substitute "\$2,000"
Sub-section 71 (1)	Omit "Two hundred dollars", substitute "\$200"
Section 72	(a) Omit "Five hundred dollars" (wherever occurring), substitute "\$2,000"
	(b) Omit "Two hundred dollars" (wherever occurring), substitute "\$1,000"
Sub-section 73 (1)	Omit "One thousand dollars", substitute "\$5,000 or imprisonment for 2 years"
Section 73	Omit "Five hundred dollars" (wherever occurring), substitute "\$2,000"
Section 74	Omit "Two hundred dollars", substitute "\$2,000"
Sub-section 75 (1)	Omit "Two hundred dollars", substitute "\$1,000"
Sub-section 76 (1)	(a) Omit "Five hundred dollars", substitute "\$2,000"
	(b) Omit "six months", substitute "one year"
Section 77	Omit "Five hundred dollars", substitute "\$5,000 or imprisonment for 2 years"
Section 78	(a) Omit "Two thousand dollars", substitute "\$10,000"
	(b) Omit "three years", substitute "5 years"
Section 78A	Omit "One thousand dollars" (wherever occurring), substitute "\$5,000 or imprisonment for 2 years"
Section 79	(a) Omit "indictable"
	(b) Omit "three years", substitute "10 years"
Section 80	Omit "two years", substitute "2 years"
Section 81	(a) Omit "punishable upon conviction by a fine not exceeding two thousand dollars or imprisonment for a period not exceeding two years"
	(b) Add at the end thereof the following sub-section: "(2) Where a person is guilty of an offence against this Act by virtue of sub-section (1), the person is punishable upon conviction— (a) where paragraph (1) (a), (b) or (c) applies in relation to the offence—by a fine not exceeding \$10,000 or imprisonment for a period not exceeding 5 years; or (b) where only paragraph (1) (d) applies in relation to the offence—by a fine not exceeding \$5,000 or imprisonment for a period not exceeding 2 years."

SCHEDULE 1—continued

Provision	Amendment
Section 82	Omit “imprisonment for a period not exceeding three years”, substitute “a fine not exceeding \$10,000 or imprisonment for a period not exceeding 5 years”
Section 83	(a) Omit “indictable” (b) Omit “imprisonment for a period not exceeding two years”, substitute “a fine not exceeding \$5,000 or imprisonment for a period not exceeding 2 years”
Section 84	Omit “two years”, substitute “2 years”
Section 86E	Omit “Five hundred dollars”, substitute “\$2,000”
Paragraph 87 (1) (s)	Omit “Five hundred dollars”, substitute “\$2,000”

SCHEDULE 2

Section 6

FURTHER AMENDMENTS

1. The following provisions of the Principal Act are amended by omitting any number expressed in words that is used, whether with or without the addition of a letter, to identify a section of that Act, and substituting that number expressed in figures:

Sections 9A (1A), 46A (2) and 87 (1) (1) (ii).

2. The following provisions of the Principal Act are amended by omitting “of this Act” and “of this section”:

Sections 9A (1A), 20B (5), 35AA (3), 35A (5), 44 (3), 46A (2), 72 (3), (5) and (6) and 87 (1) (1) (ii).

3. The Principal Act is further amended as set out in the following table:

Provision	Amendment
Paragraph 21 (a)	Omit “one league”, substitute “3 nautical miles”
Section 24	Omit “thirty yards”, substitute “30 metres”
Sub-section 64 (1)	Omit “of this Act” (second occurring)
Section 66	Omit “any Federal or State Court”, substitute “a court”

NOTES

1. Act No. 1, 1979; assented to 27 February 1979.
2. Act No. 3, 1908, as amended. For previous amendments *see* Act No. 15, 1912; No. 42, 1915; No. 47, 1920; No. 30, 1924; Nos. 19 and 92, 1947; No. 80, 1950; No. 61, 1961; No. 12, 1966; No. 1, 1969; and No. 216, 1973.